

### California Regional Water Quality Control Board

### **Los Angeles Region**

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Jim Bizzelle Pardee Homes 1320 Flynn Road, Suite 100 Camarillo, CA 93012

REVISED WATER QUALITY CERTIFICATION FOR PROPOSED FAIR OAKS RANCH DETENTION BASIN INSTALLATION AND MAINTENANCE PROJECT (Corps' Project No. 96-00459-AOA), UNNAMED TRIBUTARIES TO SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 03-170)

Dear Mr. Bizzelle:

Regional Board staff has reviewed your request on behalf of Pardee Homes (the Applicant) for an amendment of the original Clean Water Act Section 401 Water Quality Certification issued for for the above-referenced project on December 11, 1996 (File No. 96-144).

I hereby certify that any discharge from the Fair Oaks Ranch Detention Basin Installation and Maintenance Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original signed by]	[July 30, 2004]
Jonathan Bishop	Date
Interim Executive Officer	

### California Environmental Protection Agency

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Martin Rasnick Glenn Lukos Associates, Inc. 29 Orchard Lake Forest, Ca 92630

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Betty Courtney California Department of Fish and Game Streambed Alteration Team 4949 View Ridge Avenue San Diego, CA 92123

Aaron Allen U.S. Army Corps of Engineers Regulatory Branch, Los Angeles District P.O. Box 532711 Los Angeles, CA 90053-2325

Steven John U.S. Environmental Protection Agency c/o U.S. Army Corps of Engineers Regulatory Branch, Los Angeles District P.O. Box 532711 Los Angeles, CA 90053-2325

Tim Vendlinski Supervisor, Wetlands Regulatory Office (WTR-8) US EPA, Region 9 75 Hawthorne San Francisco, CA 94105

Diane Noda U.S. Fish and Wildlife Service 2493 Portola Road, Suite B Ventura, CA 93003

# Project Information File No. 03-170

1. Applicant: Jim Bizzelle

Pardee Homes

1320 Flynn Road, Suite 100 Camarillo, CA 93012

Phone No. (805) 484-1054 Fax No. (805) 482-5692

2. Applicant's Agent: Martin Rasnick

Glenn Lukos Associates, Inc.

29 Orchard

Lake Forest, CA 92630

Phone No. (949) 837-0404 Fax No. (949) 837-5834

3. Project Name: Fair Oaks Ranch Detention Basin Installation and Maintenance

4. Project Location: Santa Clarita, Los Angeles County

Longitude: 32° 24' 0" N; Latitude: 118° 26' 30" W

5. Type of Project: Detention Basin Construction and Maintenance

6. Project Description: Background:

On July 16, 1993, the Fair Oaks Ranch Development Project received a Section 401 Water Quality Certification for the development of an 884.5 acre project including residential, commercial and open space. These developments, including roads and flood control infrastructure (involving the construction of two debris basins and one detention basin) would encompass 470 acres. The remaining 414.5 acres on the property will remain as open space.

Within the project site there are 16 drainages, Drainage A through P, all tributaries to the Santa Clara River. There are a total of 2.10 acres of waters of the U.S. present on-site. The proposed development would result in a total of 0.98 acre of permanent impact to waters of the U.S. Among the 0.98 acre of impact, approximately 0.17 acre would be filled as a result of the detention

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and debris basin construction.

In order to provide compensation for these impacts, the Applicant proposed to provide 1.13 acre of oak woodland and 1.42 acres of preservation of streambeds and riparian habitat at the northeastern corner of the project site.

On March 2, 2004, the Applicant (Pardee Homes) received a Section 401 Water Quality Certification (03-170) for the maintenance of two basins.

#### Basin 1:

Basin 1 was constructed as authorized by permit from Corps of Engineers (ACOE) NWP 26 and a Department of Fish and Game (CDFG) Streambed Alteration Agreement. Basin 1, encompasses 6.0 acres and is located within an upland area not subject to ACOE or Regional Board jurisdiction. There is no vegetation associated with this basin.

#### Basin 2:

Basin Two encompasses approximately 4.9 acres within the already developed residential neighborhood. Nationwide Permit (NWP) 26 was issued by ACOE for the impact to 0.98 acres of waters of the United States for the construction of Basin Two. Basin Two is located in an area formerly supporting Drainages A and F of the Fair Oaks site. The basin is currently sparsely vegetated.

Maintenance of each basin will consist of periodic removal of vegetation and sediment in order to allow each basin to function at its designed capacity. Maintenance activities would be conducted using both hand equipment and light, typical construction equipment.

### Revised Certification:

On May 10, 2004, the Applicant requested that the Certification include the construction and maintenance of all detention basins proposed for the original development. The following 18 detention basins acreage areas are as follows:

Basin 1: 6.00 acres Basin 2: 4.90 acres Basin 3: 1.10 acres

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Basin 4: 0.10 acres
Basin 5: 1.00 acres
Basin 6: 0.50 acres
Basin 7: 1.00 acres
Basin 8: 0.30 acres
Basin 9: 0.50 acres
Basin 10: 0.30 acres
Basin 11: 0.10 acres
Basin 12: 0.22 acres
Basin 13: 0.36 acres
Basin 14: 0.32 acres
Basin 15: 1.53 acres
Basin 16: 0.65 acres
Basin 17: 2.08 acres
Basin 18: 1.97 acres

Basins 12-18 are non-jurisdictional basins not subject to regulation by the Regional Board. However, this Certification will include any maintenance activities proposed for any of the basins (1-18) within the Fair Oaks Development Project. Total impacts from within all 18 basins would consist of 22.93 acres. Of these, only impacts to basins 1-11 will require any compensatory mitigation. Basins 1 and 2 were considered under the original Certification and compensatory mitigation has already been designated.

The additional 4.90 acres of impact, subject to Regional Board jurisdiction (Basins 3-11) will require additional mitigation to be provided by the Appplicant. Compensatory mitigation shall consist of enhancement and/or restoration at a ratio of 1:1 on-site.

Maintenance shall take place according to Army Corps Nationwide Permit 31 (NWP 31). Sediment and/or debris shall only be removed from the basins when either 1) the quantity of sediment/debris in the basins has reached 25% capacity or more or 2) when the basins have reached 5% or more of the basin's capacity and more than 20% of the watershed of the basin has burned within the previous 5 years.

7. Federal Agency/Permit:

U.S. Army Corps of Engineers

NWP Nos. 26 & 31 (96-00459-AOA)

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8. Other Required California Department of Fish and Game Regulatory Approvals: Streambed Alteration Agreement (5-351-96)

9. California
Environmental Quality
Act (CEQA)
Compliance:

The County of Los Angeles approved the project's Final Environmental Impact Report in 1992.

10. Receiving Water: Unnamed tributaries to Santa Clara River (Hydrologic Unit No. 403.51)

11. Designated Beneficial Uses:

MUN\*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, WET

\*Conditional beneficial use

None

12. Impacted Waters of the United States:

Non-wetland waters (detention basin): 0.98 temporary acres

13. Dredge Volume:

14. Related Projects
Implemented/to be
Implemented by the
Applicant:

Within the next five years, the Applicant proposes to complete an additional project in the Santa Clara River Watershed. The proposed project is known as the Skyline Ranch Residential Development Project. The design has been completed, although no permitting timeline has been established. The proposed development is located in unincorporated Los Angeles County, California and comprises approximately 1,800 acres. The project area supports five ephemeral blue–line drainages. The property is generally bounded by Sierra Highway to the east, White's Canyon Road to the west, open space to the north, and Soledad Canyon Road to the south within Sections 3,4,5,8,9,10,11,15,16 and 17 of Township 4 North/Range 15 West, on the Mint Canyon Ouadrangle.

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# 15. Avoidance/ Minimization Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- Limited access routes and stabilized access points;
- Stabilizing denuded areas as soon as possible with seeding, mulching, or other effective methods;
- Protecting adjacent properties with landscaped buffer strips, sediment barriers, or other effective methods;
- Delineating clearing limits, easements, setbacks, sensitive areas, vegetation, and drainage courses by marking them in the field;
- Stabilizing and preventing erosion from temporary conveyance channels and outlets;
- Using sediment controls and filtration to remove sediment from water generated by dewatering or collected on site during construction;
- Designating specific areas of the site, away from streams or drain inlets, for storage, preparation, disposal of building materials, chemical products, and wastes;
- Storing stockpiled material and wastes under a roof of plastic sheeting;
- Storing containers of paints, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods;
- Berming around storage areas to prevent contact with runoff;
- Covering open dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods;
- Designating specific area of the site, away from streams and storm drain inlets, for auto and equipment parking and for routing vehicle and equipment maintenance;

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- Routinely maintaining all vehicle and heavy equipment to avoid leaks;
- Performing major maintenance, repair, and vehicle and equipment washing off site, or in designated and controlled areas on site;
- Collecting used motor oil, radiator coolant, and other fluids with drip pans or drop cloths. Storing and labeling spent fluids carefully prior to recycling or proper disposal;
- Cleaning up liquid spills on paved or impermeable surfaces using dry cleanup methods (e.g., absorbent materials, cat litter, rags) and dispose of cleanup materials properly;
- Clean up spills of dirt areas by digging up and properly disposing of the soil; and
- Keeping paint removal wastes, fresh concrete, cement mortars, cleared vegetation, and demolition wastes out of the gutter, streams, and storm drains by using proper containment and disposal.
- 16. Proposed Compensatory Mitigation:

The Applicant had previously been required to create 1.13 acres of oak woodland and preserve approximately 1.42 acres of streambeds and riparian habitat (1.12 acres of waters of the United States) as compensation for impacts associated with the construction of Fair Oaks Development, including the detention basins (Basins 1 & 2).

17. Required Compensatory Mitigation:

Additionally, 4.90 acres of enhancement and/or restoration shall be provided to offset any impacts associated with maintenance of Basins 3-11. This acreage amount is consistent with a mitigation ratio of 1:1.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

- 1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to \$13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
- 2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

- 1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. These documents shall be submitted prior to any discharge to waters of the State.
- 2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
- 3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.

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- 4. The Applicant shall not conduct any maintenance activities within waters of the United States during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
- 5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
- 6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contract with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
- 7. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
- 8. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities,

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and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

- 9. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
- 10. No activities shall take place in any area where there is potential for any rare, threatened, or endangered species prior to completion of a formal or informal consultation with the responsible wildlife agencies. Upon completion of the consultation with the U.S. Fish and Wildlife Service, or other appropriate agencies, the Applicant shall submit a copy of the consultation results to this Regional Board. Any conditions required by the approving agency for the protection of any protected species shall be incorporated into this Certification.
- 11. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during any clearing activities. The biologist shall be available on site during clearing activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
- 12. All maintenance activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
- 13. Prior to conducting maintenance activities within the subject areas, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed long term and immediate schedules; (b) a description of the drainage's existing condition; (c) the area of proposed temporary impact within waters of the state; and (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation). Notifications must be received a minimum of **one** (1) week prior to commencing work activities.

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- 14. The Applicant shall restore all areas of temporary disturbance that could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
- 15. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year of issuance of this Certification.
- 16. The Applicant shall provide COMPENSATORY MITIGATION to offset the impacts to **0.98 acres** of waters of the United States by creating **1.13** acres of oak woodland and preservation of approximately **1.42 acres** of streambeds and riparian habitat (1.12 acres of waters of the United States) as compensation for impacts associated with the construction of Fair Oaks Development, including the detention basins (Basins 1 & 2).
- 17. Additionally, **4.90 acres** of enhancement and/or restoration shall be provided on-site to offset any impacts associated with maintenance of Basins 3-11. This acreage amount corresponds to a mitigation ratio of 1:1.
- 18. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1**<sup>st</sup> of each year for a minimum period of **five (5) years** after initiation of the mitigation plan. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species. This report shall include as a minimum, the following documentation:
  - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified statement of "no net loss" of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and

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- (h) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
- 19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **03-170**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
- 20. The Applicant shall have copies of this Certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this Certification.
- 21. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
- 22. The Applicant shall notify this Regional Board in writing of any proposed custodial changes covered by this Certification at least sixty (60) days prior to planned transfer of the reaches. A copy of the accepted transfer agreement shall be provided as part of this notification for approval.
- 23. This Certification shall expire **five** (5) **years** from date of this Certification. The Applicant may request a renewal of this Certification 180 days prior to its termination, if the project as described has not been completed. Renewals may be granted in five-year (5-year) increments, are subject to additional filing fees and will require Regional Board approval. If the Applicant fails to request a renewal prior to the Certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.
- 24. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
- 25. The Applicant shall file with the Regional Board (Attention: 401 Water Quality Certification Staff) technical reports on self-monitoring work conducted according to the Annual Monitoring Reports specified by the Executive Officer and submit other reports as requested by the Regional Board.
- 26. The Applicant or their agents shall report any noncompliance with this Certification. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the

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period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

### 27. Enforcement:

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
- 28. All applications, reports, or information submitted to the Regional Board shall be signed:
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

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32.	Each and any report submitted in accordance with this Certification shall contain the following completed declaration:
	"I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified
	personnel properly gather and evaluate the information submitted. Based on my inquiry of
	the person or persons who managed they system or those directly responsible for gathering
	the information, the information submitted is, to the best of my knowledge and belief, true,
	accurate and complete. I am aware that there are significant penalties for submitting false

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information, including the possibility of fine and imprisonment for knowing violations.